

DISCOVERY PART

HON. RAYMOND P. FERNANDEZ

Bronx Supreme Court, Civil Term
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Bronx, NY 10451

CHAMBERS

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COURTROOM

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bxdiscovery@nycourts.gov

DCM

Differentiated Case Management

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bxdcn@nycourts.gov

Principal Law Clerk

Srabone Monir, Esq.

Assistant Law Clerk

Part Clerk

Jason C. Wright, SCC

Requests for Compliance Conference(s) should be emailed to

BxSupCivCC@nycourts.gov

**** Do Not Call or Email Chambers****

I. Communications

All inquiries concerning scheduling, appearances, adjournments, and case status shall be directed to the Part Clerk (bxdiscovery@nycourts.gov). Parties may not telephone chambers.

II. Conferences

Parties may NOT stipulate to adjourn any in-person conference, and failure to appear will result in default (22 NYCRR §202.27). Defaults will only be vacated on motion. The Court will not entertain any stipulations or correspondence related to vacating a default for failure to appear.

a. Preliminary Conference

Upon the filing of a preliminary conference request or the first disclosure motion, a Preliminary Conference/Case Scheduling Order (“CSO”) will be automatically generated within 45 days and uploaded to NYSCEF in lieu of holding a conference. All parties having associated an email address with the action on NYSCEF will be deemed served with the CSO upon its filing. Parties shall strictly comply with discovery obligations by the dates set forth in the CSO (22 NYCRR §202.20-e). Extensions of deadlines set forth in the CSO must be requested at a compliance conference and will only be granted upon a showing of good cause. If 45 days have elapsed, issue is joined, and a CSO has not been uploaded, contact bxdcn@nycourts.gov.

b. Compliance Conference

Six months after issuance of the Case Scheduling Order, any party may request an initial compliance conference by writing to bxsupcivcc@nycourts.gov, and copying all interested parties. **Compliance conferences are conducted virtually via Microsoft Teams until further notice.** Counsel for all parties shall consult prior to the conference (22 NYCRR §202.11). The link will be sent to all email addresses associated with the action on NYSCEF. The CSO contains additional directives for compliance conferences.

c. Non-Compliance Conferences (the “Clerk’s Calendar”)

Matters that fall out of compliance, e.g., there is no activity or there are unexcused failures to comply with deadlines fixed by the Court, **will be scheduled for a mandatory, in-person appearance** to bring the matter back into compliance.

d. NOI Past Due Conference

The Note of Issue is due on or before the date provided for in the CSO or the most recent compliance conference order. Where the deadline is missed, the matter **will be scheduled for a mandatory, in-person appearance** before the Court to determine outstanding discovery and set a new deadline. Repeated failure to comply with the NOI deadline may be treated as a default pursuant to 22 NYCRR §202.27 and result in dismissal.

Parties seeking to extend time to file the note of issue may do so by requesting a conference (bxsupcivcc@nycourts.gov), or by motion. A pending motion or a stipulation that has not been “so-ordered” will NOT excuse a party’s appearance at the NOI Past Due Conference.

III. Motions

To the maximum extent possible, discovery disputes shall be resolved through informal procedures, such as conferences, as opposed to motion practice (22 NYCRR §202.20-f [a]).

Parties shall seek a conference with the Court BEFORE the filing of any discovery-related motion (bxsupcivcc@nycourts.gov). Where motion practice cannot be avoided, parties are reminded:

- All motions filed after December 31, 2020, shall be made exclusively via NYSCEF. No working copies are accepted unless specifically requested by the Court.
- Discovery-related motions made prior to the CSO being issued will be denied (22 NYCRR §202.8[f]).
- The Court requires strict adherence to 22 NYCRR §§ 202.7(a)(2), and 202.20-f. Section 202.20-f provides, in pertinent part:

“In the event that a discovery dispute cannot be resolved other than through motion practice, each such discovery motion shall be supported by an affidavit or affirmation from counsel attesting to counsel having conducted an in-person or telephonic conference, setting forth the date and time of such conference, persons participating, and the length of time of the conference”

Failure to adhere to either section will result in denial of the motion, without prejudice to renew on proper papers.

- In the event a motion becomes moot or is being withdrawn, movant shall promptly email bxdiscovery@nycourts.gov informing the Court. Additionally, should counsel resolve some matters amicably but still require a ruling on others, movant shall email informing the Court of the narrow issues that remain.
- Parties shall continue to engage in disclosure to the maximum extent possible until a decision is reached on the disputed discovery; discovery may only be stayed as provided for in the CSO.

III. Note of Issue

Filing the Note of Issue and accompanying Certificate of Readiness certifies that all discovery is completed, waived, or not required and that the action is ready for trial (22 NYCRR §202.21[b]). Filing the Note of Issue prematurely will result in the note being stricken *sua sponte* if there is a blatant misstatement in the Certificate of Readiness (i.e., clearly outstanding discovery), significant delay in the matter reaching trial, and may result in the imposition of costs and sanctions.